

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 96-45
)	
East Ascension Telephone Company, LLC)	
Petition for Waiver of the Section 54.301)	
Local Switching Support Data Submission)	
Reporting Date)	

REPLY COMMENTS

East Ascension Telephone Company, LLC (“EATEL”), in response to the Commission’s Public Notice, DA 04-1646, dated June 7, 2004, hereby submits these Reply Comments regarding EATEL’s petition filed on April 9, 2004 seeking waiver of the submission date for projected data specifically with respect to the Local Switching Support (“LSS”).¹ As a result of an inadvertent oversight, EATEL did not report projected accounting data pursuant to Section 54.301(b) of the Commission’s rules and the Universal Service Administrative Company’s (“USAC”) requirements until October 2, 2003, one day after the date set forth in the rule. This data is used by USAC to project and determine the calculation of Local Switching Support (“LSS”) and the amount of Universal Service dollars to be funded through contributions.

No party filed comments in response to EATEL’s Petition. EATEL respectfully submits that the absence of any comment, opposing or supporting, is indicative of the straightforward public policy implications already explained in the EATEL Petition. Strict enforcement of

¹ See Petition for Waiver -- Expedited Action Requested, filed by EATEL on April 9, 2004 (“Petition”).

compliance of the data submission requirement, when EATEL filed the required data less than one day late, would be inconsistent with the public interest.² In the interests of avoiding unfair and undue hardship that would otherwise result, promoting equity among carriers and end users, and effectively implementing the policy underlying the universal service data filing rule, grant of the Petition is decidedly in the public interest.

EATEL timely filed its certification with USAC for Universal Service support participation, including LSS. In light of a one day delay in the submission of related data, it would be onerous to deny EATEL receipt of LSS for 2004.³ LSS is intended to support the costs of switches for smaller LECs, thereby diminishing the need to resort to higher basic rates for end users.⁴ Quality service available at just, reasonable and affordable rates is a fundamental principal of the Commission's universal service policies. Denying LSS support to EATEL for the year 2004 as a result of the circumstances presented in its Petition would undermine fundamental policy goals.⁵

Moreover, grant of the waiver request can be accommodated easily by USAC, without burden to any other carrier.⁶ As the Commission concluded in the *Smithville Order*, grant of the EATEL request will not affect the amount of support distributed to other Eligible

² Petition at 5.

³ In a similar matter, the Commission concluded that another small LEC should not be denied LSS for an entire year. *See Order*, In the Matter of Federal-State Joint Board on Universal Service, Smithville Telephone Company, Inc., Petition for Waiver of Section 54.301 Local Switching Support Data Submission Reporting Date for an Average Schedule Company, released May 18, 2004, CC Docket No. 96-45 ("*Smithville Order*") at para. 5.

⁴ Petition at 6.

⁵ *See Smithville Order* at para. 6.

⁶ Petition at 6-7.

Telecommunications Carriers.⁷ Furthermore, while EATEL does not believe that the grant of its request would result in any significant processing difficulties for USAC, EATEL is willing to apply the same “phased-in” payment schedule as the Commission set forth for Smithville,⁸ beginning at a point in time following the grant of the EATEL request.

Therefore, given the circumstances, good cause exists warranting a waiver of Section 54.301(b) of the Commission’s Rules. Grant of the waiver will allow EATEL to receive LSS for the 2004 calendar year as intended under the Universal Service policies and plan, and will not adversely affect any other carrier or customer.

Respectfully submitted,

EAST ASCENSION TELEPHONE
COMPANY, LLC

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July 1, 2004

⁷ *Smithville Order* at para. 7 and n. 19.

⁸ *Id.* at para. 5 and n. 16.